

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Derek D. Mahoney, Walter P. Sjursen, Wayne J. Staab, and Marvin Leedom

Application No.: 09/524,040 Group Art Unit: 2743

Filed: March 13, 2000 Examiner: Not Assigned

Title: ONE-SIZE-FITS-ALL UNI-EAR HEARING INSTRUMENT

RECEIVED

MAY 15 2001

Technology Center 260

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on 5-9-01 Date

Sharon G. Carlisle
Signature

Sharon G. Carlisle
Typed or printed name of person signing certificate

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

This Supplemental Information Disclosure Statement is submitted:

[] under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

[X] under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

[] under 37 CFR 1.97(c) together with either:

[] a Statement under 37 CFR 1.97(e), as checked below, or

[] a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

[] under 37 CFR 1.97(d) together with:

[] a Statement under 37 CFR 1.97(e), as checked below, and

[] a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

[] under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.

(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

- Enclosed herewith is form PTO-1449:

- Copies of the cited references are enclosed.
- Copies of cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- The "concise explanation" requirement (non-English references) for reference AO under 37 CFR 1.98(a)(3) is satisfied by:
 - the explanation provided on the attached sheet.
 - the explanation provided in the Specification.
 - submission of the enclosed International Search Report.
 - the enclosed English language abstract.



Applicant requests that the following pending applications be considered:

Examiner's
Initials

U.S. Patent Application No. [], Publication No. [], Publication Date [], by [inventor(s)], filed [], Docket No.: []

U.S. Patent Application No. [], Publication No. [], Publication Date [], by [inventor(s)], filed [], Docket No.: []

U.S. Patent Application No. [], Publication No. [], Publication Date [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

A copy of each above-cited application, including the current claims, is enclosed.

A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.

Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Erik L. Ence
 Erik L. Ence
 Registration No.: 42,511
 Telephone: (781) 861-6240
 Facsimile: (781) 861-9540

Lexington, Massachusetts 02421-4799

Dated: May 8, 2001

PTO-149 REPRODUCED

ATTORNEY DOCKET NO.
2506.1013.001APPLICATION NO.
09/524,040

O I P E
**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**
MAY 14 2001
May 8, 2001
 (use several sheets if necessary)

APPLICANT
Derek D. Mahoney, et al.FILING DATE
March 13, 2000GROUP
2743**RECEIVED**
MAY 15 2001

Technology Center 26

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
AI	5,825,896	10-20-98	Leedom		381	69	
AJ	5,742,692	4-21-98	Garcia, et al.		381	68.6	
AK	5,487,012	1-23-96	Topholm, et al.		364	474.05	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AL						
	AM						
AN	WO 99/39548	05 AUG 99	PCT				
AO	WO 95/15067	01 JUN 95	PCT				
AP	WO 99/07182	11 FEB 99	PCT				
AQ							

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	
AS	
AT	

EXAMINER

DATE CONSIDERED